

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAPPAMMAL KURIAN, AN  
INDIVIDUAL,  
Appellant,  
vs.  
AMTS CONSORTIUM LLC, A  
DELAWARE LIMITED LIABILITY  
COMPANY,  
Respondent.

No. 61522

FILED

NOV 14 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying a motion to set aside a judgment in a tort action. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.


Nearly six months after a judgment was entered against her in the action below, appellant moved the district court to vacate the judgment based on NRCP 41(e). "Rule 41(e) may not be invoked to vacate a prior judgment but may only be used to dismiss an 'action.'" *Deal v. Baines*, 110 Nev. 509, 513, 874 P.2d 775, 778 (1994). In other words, if a party fails to move for dismissal for want of prosecution, and a judgment is entered, the party may not then attempt to have the judgment vacated through NRCP 41(e), either by itself or in conjunction with NRCP 60(b). *Id.* Thus, the district court properly declined to set aside the judgment on NRCP 41(e) grounds. *See Deal*, 110 Nev. at 513, 874 P.2d at 778.

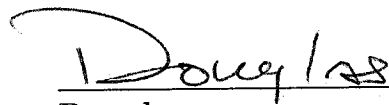
Additionally, to the extent that appellant argues that the district court should have set aside the judgment under NRCP 60(b) based on her attorney's alleged fraud, appellant did not submit any evidence to support this argument. Although appellant referred to two e-mails purportedly attached to her motion to set aside the judgment, no e-mails

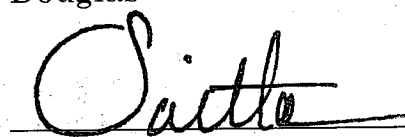
were attached to that motion in the record before us on appeal. Moreover, in its opposition to the motion, respondent noted that the e-mails were not attached, but appellant took no action to correct the omission. As a result, we conclude that the district court did not abuse its discretion by denying appellant's motion to set aside the judgment on this basis. *See Kahn v. Orme*, 108 Nev. 510, 513, 835 P.2d 790, 792 (1992) (explaining that this court reviews a district court's denial of an NRCP 60(b) motion for an abuse of discretion).

In light of these conclusions, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Douglas W. Herndon, District Judge  
Pappammal Kurian  
Mincin Law, PLLC  
Eighth District Court Clerk